

**ENVIRONMENT, PLANNING AND AGRICULTURE
COMMITTEE
OF THE
SUFFOLK COUNTY LEGISLATURE**

Minutes

A regular meeting of the Environment, Planning and Agriculture Committee of the Suffolk County Legislature was held in the Rose Y. Caracappa Legislative Auditorium of the William H. Rogers Legislature Building, Veterans Memorial Highway, Smithtown, New York, on **Wednesday, April 14, 2004**.

MEMBERS PRESENT:

Leg. Michael J. Caracciolo - Chairman
Leg. Jay H. Schneiderman - Vice-Chairman
Leg. David Bishop
Leg. Daniel P. Losquadro
Leg. Peter O'Leary

ALSO IN ATTENDANCE:

Mea Knapp, Counsel to the Legislature
Alexander Sullivan, Chief Deputy Clerk
Roger Podd, County Executive Assistant
Tom Isles, Director of Suffolk County Planning Dept.
Loretta Fischer, Suffolk County Planning Dept.
Richard Amper, Director of L.I. Pine Barrens Society
Lisa Keys, Aide to Chairman Caracciolo
Kevin LaValle, Aide to Legislator Losquadro
Kim Kennedy, Aide to Chairman Caracciolo
Frank Cichanowicz, Appointee Planning Commission
Carol Fahey, Economic Development
Emi Endo, Newsday
Kevin Duffy, BRO
Elizabeth Harrington, Deputy County Attorney
Ben Zwirn, County Executives Office
Ronald Foley, Chief Deputy Parks Commissioner
Greg Moran, Aide to Presiding Officer Caracappa
Vito Minei, Health Department
Jim Bagg, Environmental Quality Council
Neil Toomb, Economic Development
Thomas B. Williams, Cooperative Extension
Ed Randolph, Central Pine Barrens Commission
Alpa Pandya, The Nature Conservancy
Jill Lewis, Town of Riverhead
Kevin Duffy, Budget Review Office
Vito A. Minei, Division of Environmental Quality
Patricia B. Zielenski, Director of Real Estate

MINUTES TAKEN BY:
Eileen Schmidt, Secretary

(THE MEETING WAS CALLED TO ORDER AT 11:30 P.M.)

CHAIRMAN CARACCIOLO:

We will begin the meeting with the Pledge of Allegiance led by Legislator Bishop.

SALUTATION

CHAIRMAN CARACCIOLO:

Everybody please settle down. Take conversations outside the auditorium Legislator Mr. Bishop I'd like to have Mr. Cichanowicz present himself to the committee. Jay? -- I know you've been waiting some time and we appreciate patience. Would you kindly just inform for the record who you are and what business brings you here today.

MR. CICHANOWICZ:

My business here is hopefully to get appointed back to the Suffolk County Planning Commission. I was a member for nine years and then was taken off, yes, during {electional} times. Our business is I'm a landscape architect. I graduated from the University of Georgia in environmental design and we have our own contracting business, a sod business.

CHAIRMAN CARACCIOLO:

Excuse me, Mr. Cichanowicz. **CHAIRMAN CARACCIOLO ASKED SPEAKERS, COULD YOU PLEASE TAKE THE CONVERSATIONS OUT? Thank you.**

MR. CICHANOWICZ:

And I've been active in Southold Town with the Southold Town Conservation Advisory Council and I enjoy the field that I'm in and hopefully can give some benefit to the County.

CHAIRMAN CARACCIOLO:

Everyone should have a copy of Mr. Cichanowicz's resume. Lisa, they are distributed, right? Well, will you backup to the resolution, but essentially as he pointed out he previously served on the Suffolk County Planning Commission. Is very actively involved in the town and is the supervisor of the Town of Southold's recommendation for appointment to the Planning Commission. So I open the floor to any questions from the committee.

LEGISLATOR SCHNEIDERMAN:

(inaudible)

CHAIRMAN CARACCIOLO:

I'm not aware of a town board resolution, no. Traditionally, we don't have town board resolutions for these appointments. Maybe when you were supervisor you did it that way, but most towns don't do it that way and I've always respected the wishes of the supervisors.

CHAIRMAN CARACCILOLO:

Mr. Cichanowicz, when did you previously serve on the Planning Commission?

MR. CICHANOWICZ:

Oh God, it was about six years ago backing down nine years previous and so, you know, --

CHAIRMAN CARACCILOLO:

I'm just trying to think six years ago that was during the tenure of Mr. Wickam.

MR. CICHANOWICZ:

Yeah, under Mr. Wickam and then under Jean Cochran as well.

CHAIRMAN CARACCILOLO:

Okay. So you really have served during the bi-partisan period of town government in Southold.

MR. CICHANOWICZ:

Yes.

CHAIRMAN CARACCILOLO:

Okay. And what can you share with the committee about your previous experience on the Planning board. Are there any recommendations on how that commission could function better?

MR. CICHANOWICZ:

Well, I think part of it is that my business we do a lot of work all over Suffolk County, but mainly in the East End of Long Island. So I'm very familiar with the projects that we review and look at and a lot of times help out the western area; those guys are not familiar with the areas and are able to inform them of situations of, you know, projects we're inspecting and looking at.

CHAIRMAN CARACCILOLO:

Did you ever find yourself previously in a situation where you had to recuse yourself from votes on the Planning Commission?

MR. CICHANOWICZ:

Not that I know of, no.

CHAIRMAN CARACCILOLO:

Do you foresee any potential conflicts in serving on the Commission?

MR. CICHANOWICZ:

No.

CHAIRMAN CARACCILOLO:

How about your attendance on the Commission?

MR. CICHANOWICZ:

I was probably there about 98% of the time. I was very active; the only time probably once in a while when I'm in Florida in January or so, but that's about it.

CHAIRMAN CARACCILOLO:

That's something as Mr. Isles who chairs that Commission will tell you something I'm a stickler about. You know it's nice for people to volunteer and serve and be qualified, but if you're not going to show up you're not going to have my support. So you're providing us your assurance today that you will make every effort to attend every meeting?

MR. CICHANOWICZ:

I will and, you know, I attended I've worked under Steve Jones before and Tom Isles was on the committee at that time from Islip so I'm very familiar with him.

CHAIRMAN CARACCILOLO:

Okay. I know you're anxious to get started and this appointment has been held up several months for a variety of reasons so what I'd like to do is call the resolution out of order and make a motion to approve. What's the number on that? 1148, motion to take it out of order second by Legislator Bishop. All in favor? Opposed? Abstentions? It's now before us. Motion to approve by the Chair second by Legislator Losquadro. All in favor? Opposed? Abstentions? Approved. **(Vote: 5-0)** Congratulations.

MR. CICHANOWICZ:

Thank you.

CHAIRMAN CARACCILOLO:

That brings us to today's meeting and one speaker has signed up to address the committee, Richard Amper. So Dick if you would come forward; as always it's nice to see you, Dick. And let me ask you since recent events have unfolded in the Town of Brookhaven with respect to I guess a different direction on the transfer tax. I hope you will address that in the context of several pending County legislative resolutions provide additional funding which you had asked us at the previous meeting to hold in abeyance for 30 days.

MR. AMPER:

Yes, and that's exactly why I'm here. Mr. Chairman and member of the committee, the entire matter of funding environmental preservation programs in Brookhaven is very much up in the air. We've been operating on the premise for the past year and a half that we would continue to put -- push for a community preservation fund of the sort that we have in the five East End towns at 2% real estate transfer tax which has worked very, very well in the East End towns and extend that to Brookhaven. A week ago Monday we we're informed by the administration that that was up in the air and that, in fact, they might instead prefer to do this by bonding. That is not the preference of the environmental community or the civic community at this point, but the town has asked for a little bit of additional time as much as a week and a half to evaluate what the voters themselves might prefer as a mechanism. Clearly, the developers have made it clear that they prefer bonds. We think mostly because bonds have a harder time winning public approval, but in combination with your own farmland preservation funding through bond and the proposal by Legislator Vilorio-Fisher to extend the drinking water protection program we sort of think it would be useful to know what we're doing collectively. And then add to that and I wanted this particular committee to be aware of a discovery that we are revealing today and that is, that the group, the alleged citizens group, the Brookhaven Citizens Against Higher Taxes that opposed the 2% real estate transfer tax last fall representing that they were an anti tax group. It now turns out was a wholly owned subsidiary of the Long Island Builders Institute and the Long Island Board of Realtors. The Board of Elections information shows that the campaign generated and spent \$225,000 every penny of which came from the developers and the realtors and not from any citizens group whatever. This was just a complete sham, a front, an effort to

persuade the public that somehow the tax situation benefited by more development and less preservation which all of you on this committee know is the farthest thing from the truth. But we are not surprised that the developers don't want preservation and they want to develop. What we think is shocking and wrong is for them to pretend they're a citizens group to pretend that they're an anti tax group and to represent themselves as genuinely concerned about the tax situation in Brookhaven when it turns out that precisely the opposite is true. If the Builders Institute thinks it's bad to preserve and good to develop they ought to come out and admit that. Acknowledge who they are and make a straightforward pitch to the public about what these programs are about, but instead they spent a quarter of a million dollars on a deliberate dis-information campaign that resulted in this being off the ballot. And I think you as a legislative body that is moving toward an accelerated acquisition program and working cooperatively with the towns need to know what they're up to. That's my only reason for being here. It's not something this Legislature needs to do something about, but it's definitely something this Legislature needs to know about.

CHAIRMAN CARACCILOLO:

Mr. Amper let me ask you to date, what type of funding has been approved either by voters or by the town board on its' own actions in the Town of Brookhaven over the last decade or so?

MR. AMPER:

Well, there have been several bond acts; the most recent one is a year old a year ago November for \$20 million. And in terms of where we are in the consumption of those funds, I am told by town officials that those funds will be consumed before the end of June.

CHAIRMAN CARACCILOLO:

So clearly based on your presentation it's time for that town to step up its' efforts to preserve and vis a vis either bond issues or your preference would be obviously the 2% transfer tax.

MR. AMPER:

That's true and we think that the Legislature ought to be encouraging the towns to do this. These are real partnerships and you know that they do those in your district and in Mr. Schneiderman's district. This is an opportunity to leverage the County funds and for the County to engage in partnerships because of the tremendous task in front of us to preserve we think a minimum of 14,000 acres of farmland and 20,000 acres of open space before final bill out of Long Island. This is -- this legislation has been engaged in farmland and open space preservations since the 60's, but we're not going to be engaged in it for very much longer six to ten years at the most. So any land not purchased now is simply going to be lost to development; anything that is delayed will cost more money.

So this legislation has responsibly created partnerships with the towns to maximize the dollars that the public has put forward for these important programs. And it turns out now as we speak to groups like the Long Island Association and the Convention and Visitors Bureau that the economy of Long Island is at stake here. We cannot have a \$4 ½ billion tourism industry; we cannot keep farming a viable industry. Farming is still in Suffolk County the number one agricultural producing county in dollars in the state. That doesn't happen if instead of preserving 45 of the 90,000 acres that remain undeveloped as the regional planning board suggests we preserve for example 5,000 if we were to continue the rate of acquisition at 500 acres per year we would preserve 5,000, develop 85,000. I don't know about your experience with tourism, but there are not lot tourists in Levittown. If we do not keep at least a portion of what's open open we're not just hurting ourselves in terms of protecting drinking water and open space and

endangered species habitat, we're talking about running Suffolk County out of business. So we're going to need to do everything we can do. We need community preservation funds, we need local bond acts or those kinds of mechanisms along with an accelerated program of acquisitions supported by this Legislature and the County Executives Office.

CHAIRMAN CARACCILOLO:

Have you or your organization broken down -- how many of those open space and farmland acres are in the Town of Brookhaven?

MR. AMPER:

The target as I understand, those that appear on the master list identify an immediate need to preserve 6500 acres. The community preservation plan called for producing enough money under the 2% transfer tax to preserve as many 10,000 acres in Brookhaven. But the overlap on the list that we have supplied you is 6500 acres in Brookhaven.

CHAIRMAN CARACCILOLO:

Have you had an opportunity to look at the County Executive's resolution that establishes a master list?

MR. AMPER:

Yes, we have.

CHAIRMAN CARACCILOLO:

And do you have a position on that resolution?

MR. AMPER:

Yes, in fact, it's an outgrowth of an assignment that you gave the environmental community a couple of years ago and that list generated by the Nature Conservancy was then laid alongside one generated by Pine Barrens Society. And then overlaid with the regional planning boards recommendations and they are almost mirror images. There is not a single item here that's in contention. We all agreed these are worthy parcels and don't represent any pork.

CHAIRMAN CARACCILOLO:

Well, that in essence is the list that we worked up together two years ago during the summer recess right here in this auditorium.

MR. AMPER:

When you -- when we were talking about going to the Environmental Facilities Corporation you insisted that we know what we wanted to buy and have some agreement on that. And we spent a very -- I have to tell you that the Nature Conservancy did an exhaustive effort to identify those parcels and as we look at them today there is simply no disagreement among planning agencies or environmental groups about the legitimacy of that list. It maybe coming to you from the County Executive's Office today, but they got it from you in the first place.

CHAIRMAN CARACCILOLO:

Thank you, Dick. Are there any other speakers? Okay, hearing none we'll go right to today's agenda and I would note that the committee had before it last week a public hearing on IR 1330 which was held and closed so that's why it is not on today's agenda. It should be on next weeks agenda. The first resolution is, is Mr. Brady here?

SPEAKER:

No.

CHAIRMAN CARACCILOLO:

No. Okay. He has already been before the committee, but I wanted to give him an opportunity if he was here to, you know, make any remarks if he had any. Mr. Isles, before we get to each resolution are there any presentations you want to make? I know you presented the committee with a draft, which I subsequently wrote to each committee member requesting feedback and recommendations. How much time do we have to get back to you with our comments?

MR. ISLES:

Well, I appreciate that you did do that with the committee. We certainly value any comments from this committee and in terms of the timeframe we're looking to receive any comments by the end of April. However, if your agenda, I think your next meeting is May 5th so certainly that would be fine as well.

CHAIRMAN CARACCILOLO:

Okay. Thank you. I hope every member of the committee took note of that and would funnel that request back to Mr. Isles and it would be nice if each of us just copied each other so that we all have a sense of what recommendations you'd like to make. Okay. Well, go to the first,

INTRODUCTORY PRIME:

1239. Adopting Local Law No. –2004, A Charter Law adding Article XXXVI to the Suffolk County Charter to provide a Suffolk County Save Open Space (SOS)

ENVIRONMENT, PLANNING AND AGRICULTURE (Viloria-Fisher) Is there a motion? Let me point out that in conversations I've had with Mr. Deering who as everyone knows is the County Executive's Environmental Director it is his preference that we work -- coordinate our efforts in terms of any new environmental funded programs. I've committed to him to do that with respect to my resolution for \$30 million for farmland preservation. Mr. Isles do you have any comment while I wait for Mr. Schneiderman with respect to this resolution?

MR. ISLES:

No. Our position is that, you know, as indicated by Mr. Deering is that some further discussion on the three separate bills that are out there maybe helpful to come up with the best approach.

CHAIRMAN CARACCILOLO:

Okay. I would also note for the committee that the public hearing is open on this resolution so no action can be taken today except tabling which I'll now make a motion to do.

LEGISLATOR O'LEARY:

Second.

CHAIRMAN CARACCILOLO:

Second by Legislator O'Leary. All in favor? Opposed? Abstentions? 1239 is tabled. **(Vote: 5-0)**

1244. Authorizing planning steps for acquisition under the New Suffolk County Drinking Water Protection Program (Old Neck Creek) Town of Brookhaven. ENVIRONMENT, PLANNING AND AGRICULTURE (O'Leary)

LEGISLATOR O'LEARY:

Motion.

LEGISLATOR LOSQUADRO:

Second.

CHAIRMAN CARACCILOLO:

Motion -- before -- I'll entertain the motion and the second before we vote on it I know we're getting a handout let me just have Mr. Isles in the Planning Department chime in as to this particular property.

MR. ISLES:

As you've requested in prior meetings you've asked us to prepare some information on each planning steps resolution which we've done in this case. This bill has been introduced by Legislator O'Leary. The Planning Department has reviewed it; we're contained in our package an aerial photograph outlining in green the three parcels that are the subject of the resolution. We've also indicated in blue line the regulated New York State wetlands. The parcel is located in the Hamlet of Center Moriches in the Town of Brookhaven. It's proposed for acquisition under the Drinking Water Protection Program. The total parcel area is a little bit over 22 acres. The parcel was reviewed in terms of the current rating system that the County uses not the one proposed in the new report and received a score of 30 points. The parcels are located at the headwaters of Old Neck Creek and as I said do include freshwater wetlands. So for the purposes of a planning steps resolution we would recommend this resolution to you at this time as being we feel in compliance with the intent of the Drinking Water Protection Program.

CHAIRMAN CARACCILOLO:

Okay. We have a motion and a second and on the motion I would just add that in the future, Mr. Isles, as part of the preliminary information you provide us in the backup if you could inform the committee as to when this property was acquired by the property owners. The one thing I want to guard against is that we don't find ourselves in situations where a developer comes along purchases a piece of property and then attempts to flip it at a huge profit at public expense.

LEGISLATOR BISHOP:

Mike.

CHAIRMAN CARACCILOLO:

Yes. Legislator Bishop.

LEGISLATOR BISHOP:

When we do the rating, we do it and we have a three parcel proposal, we do it as an amalgam, correct?

MR. ISLES:

Yes.

LEGISLATOR BISHOP:

Because it occurs to me that the parcel along Hawkins Road, is there any less of a case that could be made for that one as opposed to the adjacent one. Since it looks like you would just naturally as a planner would say, all right we're going to allow housing there?

MS. ISLES:

The sum is greater than the parts and so taken by itself you're probably right. It's probably not that significant, however, given the 22-acre total area. The fact that it is part of the watershed draining into Old Neck Creek and to the South Shore Estuary and so forth. So we think you can establish from the typography and so forth definite water quality benefits. In addition, there are also what we would call as a planner, community articulation benefits that this serves as a divider and is also worthwhile on that basis. So our recommendation or ranking is based on the whole. Obviously, you can shave off parcels and it becomes a little less beneficial at that point.

LEGISLATOR BISHOP:

But wouldn't that also be the most valuable parcel in terms when -- since there's a street? So I mean, you could get --

MR. ISLES:

At this point we haven't done appraisals.

LEGISLATOR BISHOP:

Right.

MR. ISLES:

Sometimes when we come back to you for an acquisition resolution we may then, you know, get into that aspect of it in terms of making those value choices. I'm not convinced that it's necessarily the most valuable of the parcel, the big parcel has frontage on centrally Montauk Highway at that point that may have more value by virtue of that. And I'm not sure of the zoning of the other parcel too.

LEGISLATOR BISHOP:

Oh, that's Montauk Highway? That's not the railroad or the railroad and the highway are --

MR. ISLES:

The railroad is to the south to the bottom, the roadway I'm talking about.

LEGISLATOR BISHOP:

Oh, yeah I see it on the left, I'm sorry. Okay. So what I'm trying -- I guess I'm trying to preserve -- of course I'm going to support it as planning steps. I hope it comes in at a price that's achievable, but I guess what I'm asking the Planning Department is when you come back to us with a deal, is it going to be segmented or -- so that we can see, you know, maybe perhaps we would want to buy the larger one than the triangle on the bottom, but not necessarily the one along the road which is potentially more expensive?

MR. ISLES:

We will have a appraisals for each parcel separately. The acquisition resolution if this does go forward would probably be a single resolution identifying the three parcels. And certainly we

could present to you the results of those appraisals for your consideration. We will also provide our recommendation and it's up to you then to decide if you want to go with it. But here again, I think there is something important to say about contiguous open space where it's one of those things we talk about in the policy plan is bits and pieces of parcels scattered around the County is not such a good idea. This is in the western part of the County where contiguous open space is valuable.

LEGISLATOR BISHOP:

I'm always fascinated when you call that the western part of the County because to me that's so far east.

CHAIRMAN CARACCILOLO:

We'll recognize Legislator O'Leary in a moment, but I just want follow-up on your comment about contiguous parcels. Does that hold true for farmland acquisitions?

MR. ISLES:

The answer is yes. Now it's not exclusive; the rating form, which we have suggested, some changes to that as well does provide extra points for continuity. The Agriculture and Farmland Protection Plan certainly speaks to the benefit of preserving large blocks belts of agricultural land. And the Farm Committee in my experience with them for the past couple of years certainly encourages that, however, there are exceptions and certainly we've talked about them at this committee. So to some extent it's not an absolute policy, but certainly it's a strong guideline that we try to encourage consolidation of farm belts. And with the case of farms it also becomes an operational issue where there are some benefits in terms of avoiding nuisance conflicts with adjacent homeowners and so forth.

CHAIRMAN CARACCILOLO:

Okay. Thank you. Legislator O'Leary.

LEGISLATOR O'LEARY:

Thank you Mr. Chair. I just wanted to point out, I agree with the contiguous step statements that you just made. I just wanted to point out for purposes of clarifying this particular parcel of land. It's a heavily treed area; trees that have been rather quite --

SPEAKER:

Green and big.

LEGISLATOR O'LEARY:

Green and bid, yes. At any rate I have to concur with the Chair's request to attempt to identify the length of time that the property owners have in fact secured this property and I think you'll find it's been for several years.

MR. ISLES:

Yeah. To the extent that we can get that information we will certainly be happy to provide it to you.

LEGISLATOR BISHOP:

All right, thank you very much.

LEGISLATOR BISHOP:

I have a question if I may.

CHAIRMAN CARACCILOLO:

Legislator Bishop.

LEGISLATOR SCHNEIDERMAN:

(inaudible)

LEGISLATOR BISHOP:

Oh, I'm sorry. I yield cause I went over.

CHAIRMAN CARACCILOLO:

I'm sorry Jay I didn't know that.

LEGISLATOR SCHNEIDERMAN:

I'm certainly planning to support the planning steps resolution. I'm going to ask a similar question I guess to what Legislator Bishop was getting at though. Tom, you frequently attend the Workforce Housing Commission and I think it becomes clear and clearer that keeping young people in Suffolk County is becoming more, you know, an enormously large and difficult issue in terms of County planning. And I certainly whenever a parcel comes up that here yes, yes, contiguous to woodland, but it's also along a major highway. It's also along a residential development and it's also along a commercial development at least portions of it. And you know I keep pressing the Planning Department to look for opportunity sites that might meet other needs or combine need open space preservation as part of the property. And maybe, you know, transfer some of those development rights in getting, you know, a small residential opportunity site as well. Can you comment on that particularly in this north, the north west corner of this property?

MR. ISLES:

Well, in terms of your general statement and you've been consistent in your comment in terms of the interest of affordable housing, the need for workforce housing and so forth. We have begun with the effort with the workforce housing commission contact with the towns to specifically identify parcels. We hope to be able to bring those before the Legislature should actually buy some of them. Specific to this location I think what I'm hearing today from your comments is that as part of our planning steps review we will look at these parcels very closely. Well, certainly look at the appraisals. My inclination at this point in time is that this is the headwaters of Old Neck Creek; it does encompass parts of the watershed. I would be concerned about just saying, it's fine to develop it for some purpose at this point, but what I can report back to you, if this does make it to an acquisition resolution then would be, we can get more sites specific information, environmental information to enable you to make the final decision as you deem appropriate.

LEGISLATOR SCHNEIDERMAN:

I'm satisfied with that answer.

MR. ISLES:

Okay.

LEGISLATOR SCHNEIDERMAN:

You are going to look at it as part of your planning steps.

MR. ISLES:

Yes.

LEGISLATOR SCHNEIDERMAN:

And you're looking in the broader sense at the whole County and where some opportunity sites might be.

MR. ISLES:

Yes. That's something that is going which hasn't come to this committee yet, but we've certainly been doing that as well.

LEGISLATOR SCHNEIDERMAN:

Okay. I appreciate that.

CHAIRMAN CARACCILOLO:

Just finally before we take the vote, if you could also ascertain whether or not this property is -- has any application pending before the Town of Brookhaven.

MR. ISLES:

Right.

CHAIRMAN CARACCILOLO:

I'd appreciate that information.

LEGISLATOR BISHOP:

And I had one last question.

CHAIRMAN CARACCILOLO:

Legislator Bishop.

LEGISLATOR BISHOP:

Which is just so after a decade here I can come away with greater knowledge. How is it that when you have a wetlands line that's drawn that's go well into a parking lot, how does that happen?

MS. FISCHER:

Well, the information that we get from the state the scale at which we get it at is different from the scale that we give you a map on and therefore it's very variable. And we've had this problem over the years with their information. When we actually put it on a tax map base it shifts around.

LEGISLATOR BISHOP:

Okay.

MS. FISCHER:

And so you have to take a little grain of salt and a little knowledge to move it to the west of that area. And, you know, we're apologizing for it, but that's the only information that we have available.

LEGISLATOR BISHOP:

All right.

MR. ISLES:

It's a good point. It's not always what they call registered perfectly and we try to line it up as best we can, but you're right the parking lot wouldn't be wetlands. But it does serve as an indicator that obviously if there are important resources at this location. If I could just add one other point is there was a error with one of the tax map numbers which I believe would be a technical error and we could just report that to legislative Counsel.

CHAIRMAN CARACCILOLO:

Could you provide the committee with that error?

MR. ISLES:

Yes.

MS. FISCHER:

Yes.

MR. ISLES:

It's just a one digit problem. The resolution --

MS. FISCHER:

The first one it should be 0200-855.00-02.00-001.0000.

CHAIRMAN CARACCILOLO:

Counsel, can we consider that as scrivener's error?

MS. KNAPP:

(inaudible)

CHAIRMAN CARACCILOLO:

Okay. We have a motion and a second. All in favor? Opposed? Abstentions? Motion is unanimous. **(Vote: 5-0)** Brings us to,

1298. Accepting and appropriating 100% grant funds from the New York State Department of Agriculture and Markets to the Suffolk County Soil and Water Conservation District, and amending the Suffolk County Classification and Salary Plan in connection with a new position in the Suffolk County Soil and Water Conservation District (Stormwater Control) ENVIRONMENT, PLANNING AND AGRICULTURE (Presiding Officer on request of the County Executive) Motion by the Chair second by Legislator Schneiderman. All in favor? Opposed? Abstentions? Unanimous. **(Vote: 5-0)**

SPEAKER:

(inaudible)

CHAIRMAN CARACCILOLO:

Motion to place on the Consent Calendar, we'll do it.

1323. Designating week of May 9, 2004 Pesticide-Free Week in Suffolk County.

ENVIRONMENT, PLANNING AND AGRICULTURE (Presiding Officer on request of the County Executive) Motion by the Chair second by Legislator Losquadro. All in favor? Opposed? Abstentions? **(Vote: 5-0)** Put everybody on the committee as a co-sponsor. Thank you. All in favor? Opposed? Unanimous. **(Vote: 5-0)**

1330. Adopting Local Law No. 2004, A Charter Law adding Article XII-B to the Suffolk County Charter to establish the 2004 Suffolk County Farmland Preservation Fund. ENVIRONMENT, PLANNING AND AGRICULTURE (Caracciolo) That's the Chair's resolution a public hearing was closed, but as I indicated earlier I intend to table it at least for one more cycle.

LEGISLATOR O'LEARY:
Second.

CHAIRMAN CARACCILOLO:
Second by Legislator O'Leary. All in favor? Opposed? Abstentions? Unanimous. **(Vote: 5-0)**

1331. Adopting Local Law No. 2004, A Charter Law adopting the extension of the common sense tax stabilization plan for sewers, environmental protection, and County taxpayers. ENVIRONMENT, PLANNING AND AGRICULTURE (Viloria-Fisher) There's a public hearing pending on the 20th of this month so I'll make a motion. Motion to table by myself second by Legislator Bishop. All in favor? Opposed? Abstentions? Unanimous. **(Vote: 5-0)**

1338. Approving master list of environmentally sensitive, farmland, and recreationally important Land Acquisitions and implementing planning steps. ENVIRONMENT, PLANNING AND AGRICULTURE (Presiding Officer on request of the County Executive) Mr. Isles, do you want to say anything on this resolution?

MR. ISLES:

We have prepared maps of each of these parcels, each of these areas for you. It is what I consider to be an important resolution as Mr. Amper spoke on before. There have been various efforts to come up with a master list of acquisitions. The resolution submitted now by the County Executive does that and it's in two forms. As in exhibit "A" which includes about 1200 acres of farmland. There is continuing efforts to add farmland to the County's program. The parcels that are recommended to you in exhibit "A" were reviewed by the County Farmland Committee at their last meeting and come to you with that recommendation at this time. Exhibit "B" is contained in the report you have before you and this identifies 59 separate areas that consist of, I think, upwards of 400 properties that have been identified for preservation. Now as indicated this list is really an amalgamation of a lot of efforts as indicated by groups, certainly, Legislator Caracciolo your efforts, the Nature Conservancy, the Pine Barrens Society, the Long Island Regional Planning Board. I'll also point out that when we made the application 18 months or so to the Environmental Facilities Corporation we had prepared a management plan in the Planning Department here again, utilizing a lot of the list and services from the other groups. So this becomes here again, this overall document will point out that it's about 3900 acres is included in the exhibit "B", but we also certainly don't state that this is the end all of acquisitions in Suffolk County.

The intent of the County Executive is to seek a broad brush omnibus authorization for planning steps only to at least enable the Planning and Real Estate departments to move forward to

identify what areas can actually be put into a acquisition program where we can get appraisals and so forth. But it's not to the exclusion of other parcels and certainly it's not to say that in the future we're not going to come back with new lists or updated lists we certainly expect that we will. The policy plan that we presented at the last committee meeting is intended to be more of a guide for these things rating sheets and so forth. That's it.

CHAIRMAN CARACCILOLO:

What is the current number of planning steps resolutions that the department and the division (inaudible)?

MR. ISLES:

What I can tell you off the top of my head is in terms of the number of acres that's currently in the pipeline in the Real Estate Division is about 3,000 acres at this time.

CHAIRMAN CARACCILOLO:

I know from speaking to you previously and more recently with Pat Zielenski that there's well over 100 planning steps resolution out there somewhere, you know, awaiting appraisal perhaps in negotiation. Maybe some of them have even have been rejected since we last spoke. Pat had assured me that she was preparing a document for distribution to the Legislature at my request that would provide each Legislator with kind of a list of what the status of those planning steps resolutions. Hopefully, by Legislative District and I know that's a yeomen task, but at least a master list of where we are in terms of that number. What is the number Pat and where are you in terms of that report?

MS. ZIELENSKI:

The number is still being verified and that's the reason you don't have a report today. We do hope to have it out by the time the full Legislature meets so that everyone can have some -- their own copy, but I just was concerned that the information on it be accurate.

CHAIRMAN CARACCILOLO:

And I would agree with you on that.

MS. ZIELENSKI:

So we've had to go over each piece one piece at a time which is time consuming.

CHAIRMAN CARACCILOLO:

Okay. Then part two would be given the quantity of land involved in exhibit "B". What kind of staffing and success will we have in terms of an expeditious process in identifying and bringing back for the committee's consideration all the information we need to move forward either on an individual resolution?

MR. ISLES:

That is something that the Director of Environmental Affairs has certainly brought up in the County Executive's Office something the Director of Real Estate has also brought up that is being addressed in two manner at the moment. Number one, in terms of administrative modifications within the division of Real Estate in terms of how the job gets done. And then secondly, there are discussions with the administration on additional resources that we're going to need and the Director of Real Estate and I have engaged in those discussions with the County Executive's

Office.

CHAIRMAN CARACCILOLO:

As you are familiar with Tom and now Mrs. Zielenski as well, that's always been a weak spot in the County government ensuring that you have the resources and the staff and personnel to carry out your mission. So I look forward and to hopefully very soon to some resolution to that issue and here we are in April. I know my legislative district; we've gone off to a very strong start. We've made four acquisitions in the first four months that indicates to me that some of that is hang over if you will from previous administration and Legislature, but nonetheless I know we have an ambitious program and goals and objectives. And when would you anticipate either one of you that we'll see a resolution to provide you with the resources you need?

MR. ISLES:

Well, I think number one, the County Executive has already announced changes to the County Attorney's Office to add staffing there for the Real Estate division's use for contract and so forth. There's also been an executive order issue in terms of time limits and penalties for appraisers in terms of the time to get things in. So there have been some concrete steps certainly done. In terms of the resources that I spoke about that wouldn't necessarily be a resolution. I think what we're looking at is within current budgeted positions and so forth and I think we can probably do it within that situation. So the resources here again, would be potentially in staffing, potentially in training and things of that nature to enhance the staffs ability to handle the work that we have.

CHAIRMAN CARACCILOLO:

You know I like to put people on the spot so I what to make sure that Pat is as comfortable as you are with that approach.

MS. ZIELENSKI:

Essentially I am, but I would say that if for any reason we were not we would know it by the end of this month and certainly come back to you.

CHAIRMAN CARACCILOLO:

Okay. Legislator Losquadro.

LEGISLATOR LOSQUADRO:

Just to touch on the same theme. Prior to those administrative modifications or additional resources that you've alluded to, I just basically what to reiterate the same concern that if additional planning steps are put in by any of the 18 members of the Legislature that you will have the ability to deal with them. I know, I have several key parcels in my district which are not included on this master list and I just want some sort of assurance that they will be handled in a timely manner. Obviously, we heard testimony from, you know, people like Mr. Amper about development pressure, and any undo delay is just going to continue to see the prices on these parcels go up.

MR. ISLES:

Yeah. There's no question about it, that this is certainly not going to be for the intent of only looking at parcels that are on this list at the expense of any other parcel that anyone else or any Legislator may put forward. Or any future recommendations that we may come to you, the

County Executive may come to you on. So we know what this entails the benefit is that rather than having us have to come to you 59 separate times for 59 planning steps resolution for 400 plus parcels this will at least give Real Estate this overall approach they can then staff accordingly. The best comparison that I see is the Pine Barrens Core, which now has been the subject of two omnibus resolutions. Real Estate has one person dedicated to the Core at least and they then can go right to getting appraisals if we have an interested seller. It has helped the process there considerably and in terms of your authority on the Legislature we then have to come back to you for the actual authorization to acquire so you still have that control. I understand your point, Mr. Losquadro, it's well taken. We then have an obligation from an administrative standpoint to be able to handle this. It's been a major part of our discussion as to how we're going to do that.

Ms. Zielenski has introduced many new and good ideas. She's been very specific about what she thinks she needs to get the job done and we've had good discussions on how we're going to do that at this point.

CHAIRMAN CARACCILO:

Legislator Schneiderman.

LEGISLATOR SCHNEIDERMAN:

Okay. Thank you. Mr. Isles as, you know, as a former supervisor I had a lot of open space planning experience in my town, and I appreciate the idea of having a master list. And I appreciate the comments that have been from the Legislature in terms of being able to add on to that list and this is very helpful. I certainly plan to visit every parcel that's in my district though it's nice to see it on the aerial to make sure that it belongs on the list. I like to see obviously a chance that parcels should be added to the list at the beginning rather than adding them later. I plan to meet with the supervisors in my district and ask them how they feel about the list. I very much would like to see the process move forward, but I also don't want to rush it. I think haste could lead to additional problems for us. I notice several properties in this packet that are developed properties. They look like large estates on some of them. I'm not sure why they're there maybe it's because we're preserving portions of those properties.

I notice some properties that I know don't have willing sellers who've said to me specifically, my property is not for sale. You know before we adopt a list, have you reviewed to make sure that these properties are interested, the owners are interested in selling to the County?

MR. ISLES:

We have not.

LEGISLATOR SCHNEIDERMAN:

Particularly, the ones with homes on them.

MR. ISLES:

Well, by the way, the ones with -- the parcels have been reviewed that's the reason why we do aerals. There is one case of a parcel in Orowoc Creek where there's a house which we're going to be suggesting that be removed. There shouldn't be too many others. Obviously, this is rather substantial effort and there might be a minor error, but I think in terms of where you're talking about the larger pieces there are some. There's certainly a church property in Huntington, which is a large parcel. We've proposed excluding we should a white line in the aerial photograph that the developed part of the site we're not suggesting that the County buy that.

LEGISLATOR SCHNEIDERMAN:

There's a Girl Scout Camp in Springs.

MR. ISLES:

Yes, yes. That was on that's been on a number of lists that Girl Scout Camp and here again, it's in answer to your question, have we contacted the owners, no we haven't. Typically, we don't do that unless we're given some sort of authorization from you. And that's another factor that there will be attrition from this list and we kind of know that going into this. There also maybe a situation where somebody whose not interested now maybe interested next year or the year thereafter.

LEGISLATOR SCHNEIDERMAN:

It's that going to be part of our procedure that if in the early stages of the planning steps when the property owner is contacted and they say I'm not interested in selling, that's the end of it, right? We're not looking at condemning any of these properties?

MR. ISLES:

No. No. We have no authorization in this resolution to condemn. The file is then inactive; if that changes and we had a recent parcel in the Town of Islip where we contacted them about a year and a half ago, they said we're not interested in selling. And then they wrote a letter to the County Executive in January saying we're now interested our deal fell apart. So we had an authorization from you to do planning steps so we reactivated the case. So that's not too uncommon.

LEGISLATOR SCHNEIDERMAN:

Right. I mean, some maybe some of the developed properties maybe interested in scenic easements.

MR. ISLES:

Sure.

LEGISLATOR SCHNEIDERMAN:

You know selling off additional development rights, that's all possibilities, but I don't want to alarm, you know, any particular homeowner that we're trying to steal their property away from them.

MR. ISLES:

And certainly, you know, we're not trying to steal anything and the letter that does go out is just saying there's an interest on the County's part. So obviously, there is a chance to have a discussion with the homeowner if that's the case.

LEGISLATOR SCHNEIDERMAN:

I would appreciate a little more time to review the properties on the list and potentially add some to it.

MR. ISLES:

I think the intent was to table this today.

LEGISLATOR SCHNEIDERMAN:

Correct.

MR. ISLES:

And when know it's a big list; we know it's a big proposal. We think it's the right way to go, but certainly any, you know, any modifications and so forth. The only thing I'd be a little bit cautious about is that there's never a perfect list in the sense that you can on in this add infinitum and at some point, you know, we would just like to be able to get going.

LEGISLATOR SCHNEIDERMAN:

As long as there's a relatively easy process to add to it later as well.

MR. ISLES:

Yeah.

CHAIRMAN CARACCILO:

With respect to Legislator Schneiderman's comments, first I should have added that my office back in January sent letters to each of the ten towns requesting lists and I see Deputy Supervisor Jill Lewis here from Riverhead so she's familiar with that correspondence. And we did receive a reply back, I believe, now from almost all the towns and some of the villages, it went to both. So we want to make sure that whatever data we have it's all-inclusive at least as of February or March of this year.

The second point I would make and I think it's a good suggestion cause we did this with farmland. Three years ago when we kicked off the bi-monthly meetings in my office with the Town of Riverhead to identify and accelerate County farmland purchases in that town. What we did was, the town prepared a solicitation letter, which went through our Planning Department in Real Estate Division. We checked the tax rolls to make sure it was going to the right people that they were, in fact, still farming the land. It wasn't something that went from agriculture use to something else. It took a while to get that solicitation underway about six, seven months, but the result of that was that a lot of parcels that previously we would have thought were prime acquisition properties turn out not to be. There was a reasonable decent response, but it wasn't an overwhelming one. So I like the idea of maybe we have a document that's identified properties with the exception of the one that you're going to delete that maybe right now we send out a solicitation letter to the last known property owner. Try to determine whether or not there's an interest even and before we go to the extent some of these properties are large and the appraisals are not expensive, but they're not inexpensive and I think that's a reasonable approach. Your thoughts before I recognize Legislator Losquadro.

MR. ISLES:

But here again, if a planning steps resolution was approved we would do a last owners search to find out confirm who owns it. We would then send a letter; if they have an interest in at least considering a County acquisition we would then order an appraisal. If they don't have an interest we don't order an appraisal; we don't spend that money on it.

CHAIRMAN CARACCILO:

So just so I understand that process in other words, you still require a planning step resolution adoption before you even send the solicitation letter, why? I mean, this is coming from your department. You know today with that one exception who you'd like to reach out to, to determine whether or not we have willing sellers. Why do we have to wait until this is adopted?

MR. ISLES:

Well, I'm saying it in terms of that what the practice has been. We don't contact until the Legislature --

CHAIRMAN CARACCILOLO:

Okay. Can we perhaps consider (inaudible) the practice --

MR. ISLES:

We can't do without your approval to spend money that's for sure. So we can't order --

CHAIRMAN CARACCILOLO:

A letter cost how much --

MR. ISLES:

We can't order an appraisal and pay it --

CHAIRMAN CARACCILOLO:

No, I understand that, I understand. I'm just talking about the solicitation aspect cause we did that with farmland without any resolutions.

MS. ZIELENSKI:

There's a bit of a downside to that only in that people are frustrated enough by the delays that they've dealt with. And if they get a solicitation letter now and we're not actually in a position either staffing wise or just from a volume standpoint or have legislative approval it may be lengthily time before we're able to get back to them. And I think that from a PR position that's not ideal and by the time we contact people we like to be able to follow through if that's possible.

CHAIRMAN CARACCILOLO:

Okay. Then speaking just for myself I'll put on the record that I will not support this resolution till such time as you have the adequate staffing. I don't want this to be a situation where we think we're doing something positive and then find out two or three months you can't carry out your mission because you don't have the staff personnel.

MS. ZIELENSKI:

I appreciate that, by the same token it's not the kind of list that we would be doing 400 appraisals concurrently. So regardless of the staff in the Real Estate Department the staff in terms of our consultant appraisal staff and others would not be able to deal with that kind of a flood at one time. They'll have to be some other sorted mechanism. It's been my experience in Real Property that Real Property bubbles to the surface and goes down and comes up in different times. There's always going to be parcels that are going to be more important to someone in the Legislature or for some other development reasons or whatever that would become more important. So I don't think it was ever the intention for us to do a wholesale everything on the list concurrently. It would have to be staged.

CHAIRMAN CARACCILOLO:

Okay. I'm going to follow-up with a previous question I had, but I want to recognize Legislator Losquadro.

LEGISLATOR SCHNEIDERMAN:

Mike, put me on the list.

LEGISLATOR LOSQUADRO:

I know Mr. Chairman had alluded to it earlier and I just want to touch on what Legislator Schneiderman had said also. Many of us like Legislator Schneiderman like to be very hands on here and not really having the time to research all of these tax map numbers. This is a very large list and at first glance I did not see any properties that fell within the boundaries of my district. If it could be included to have a breakdown by which properties were included in which legislative district it would allow those of us who like to be hands on and visit the properties that are being discussed it would be a great help.

MR. ISLES:

Well, part of the reason why we prepare the maps is so you could see them and it is for the purpose of conveying information. In terms of your request then could we have the list divided by legislative district boundaries, I think we could probably do that. So I can check with out staff and just see what that would involve.

LEGISLATOR LOSQUADRO:

And one more question, I know there had been a number of mechanisms that were discussed the {rich} this list was compiled, did any of those include any of the local organizations and the hamlet studies they may have produced? I know in my district there are several hamlets studies that are in place that have identified key parcels, which I do not see, listed.

MR. ISLES:

We did contact the towns both last year when we were doing the Environmental Facilities Corporation application as well as recently and we heard back from most of the towns. I think we did hear back from Brookhaven. So we did try to seek their input, now it's not to say that every parcel that the town sent back to us ended up on this list because then we look at it in terms of does it fit into a County program in some form. So that's how the method was used to use the towns as kind of a source as well as some of the other entities the Long Island Regional Planning Board and so forth that were mentioned earlier. But as I said, we, you know, welcome any suggestions you have certainly and here again, this is not intended to be the end all of acquisitions in Suffolk County. And it's part of the problem of anytime you come up with a list of, you know, where do you draw the line and so forth, but I understand and respect what you're saying. And as I said I think this was going to be table today and we'll be able to talk further on it.

LEGISLATOR LOSQUADRO:

Thank you.

CHAIRMAN CARACCILO:

I'm going to recognize Legislator Schneiderman. Legislator Bishop you wanted to be recognized okay. And then I'd like to move to table the resolution.

LEGISLATOR SCHNEIDERMAN:

Okay. Thank you. I want to get my comments in because it may effect changes to this. Well, first on the issue of willing sellers, typically, when a planning steps resolution comes before us to be considered you have a willing seller. In the past that's what I've seen at least certainly when I came to this board whether it was the Duke property or various, you know, other properties being acquired in East Hampton we always had a willing seller. I think it's important to have

some indication from the person that it's a will seller. It could effect somebody's property and maybe you would disagree with this, but if, you know, somebody has a piece of property and they're planning on developing it for themselves or for their child and putting a house and they might actually be a conservation type of owner. The fact that it appears on a Suffolk County Open Space list maybe used as an argument against the -- even putting a house on it in the future so there might be some reluctance to having people's property appear here if they really have no interest in selling.

So I'm little concerned about that as kind of a uncharted territory for the County's moving in that direction. When we did this as a town we didn't just put acquisition down. We put narratives down first of all and I'll get to that in a second, but we also would put other potential tools like clustered subdivisions or conservation easements as potential tools other than just straight out acquisition. That might be something for your consideration on those properties where you're not sure whether the person is actually interested in working with the County.

Going back to the narrative, it certainly would be helpful to know a little about the property whether it's farmland property, whether it's title wetlands. Some might be opposite -- obvious from the aerials, but you might have some mature woodlands. There might be some things that are not clear and to know what program you're considering for it. I saw in the resolution that accompanies this that it really is going to apply to all of the various programs including the recreational program and I didn't see anything on the list that might be suitable for active recreational purposes. I wanted to know if that was something that you were looking at as well. I didn't -- nothing jumped out in terms of the villages. I'm concerned that maybe the villages have been left out of consideration the Village of East Hampton some of the other villages to make sure that they've been included in this process as well. So just a bunch of things for you to think about and if you want to respond you may.

CHAIRMAN CARACCIOLO:

Put before you do Tom, let me just repeat what I said earlier that the request that the Chair made to local governments included the villages. And I know we received one reply out of some 23 villages?

MR. ISLES:

31.

CHAIRMAN CARACCIOLO:

31 in Suffolk County, okay.

LEGISLATOR SCHNEIDERMAN:

The villages tend to be more densely developed so it's possible there are less open space, but I just want to make sure that they are included because I know in my district I certainly didn't see anything in the Village of East Hampton included and there might be a reason for that.

MR. ISLES:

Okay. Well, in terms of the tools the policy plan that we just did and certainly you're aware of this there are a number of techniques that are used. I think in terms of the whole thing the chicken and egg thing, do we get to contact the sellers, the owners now; do we contact them later and so forth. You know historically we do have sometimes have contact with owners, but there's been many resolutions approved whereby to start the ball rolling the Legislature says, here's planning steps let's see what happens with it and we don't have initial contact with the

owners. You know keep in mind that going back to the 80's and maybe the early 90's the Legislature use to look at acquisitions once, they would approve a list and then the Real Estate Division would go out and try to buy it. We now have this process where we do planning steps and it's kind of like a setup where it's a half steps so that we can start to gather all this information. What are the options in terms of preservation, partial preservation? What are the funding issues as we talked about with the prior resolution in Mr. O'Leary's district; those kinds of questions. So it's kind of like, here's the assignment to the executive branch, the Planning and Real Estate Divisions and so forth. This is the information we want you to collect and (inaudible) subject to rezoning and so forth and then we come back to you and we give you a report on that. So I'd be a little bit careful about as the Director of Real Estate has said the whole idea of we want to know what the sellers is going to think before we even do this step. It's kind of now introducing a third step to the process and it's, I don't know; it would be a little bit of a concern on that.

LEGISLATOR SCHNEIDERMAN:

I'm certainly not going to insist upon willing sellers, but I would insist that, you know, as part of the process that, you know, early on in the planning steps process we identify whether we have a willing seller.

MR. ISLES:

Absolutely. Yeah, that's one of the first things do.

LEGISLATOR SCHNEIDERMAN:

You know if a property meets the criteria environmentally it should be on the list, but when I see some developed properties in here I start to question.

MR. ISLES:

Well, here again, those larger sites and so forth --

LEGISLATOR SCHNEIDERMAN:

Now they might be on there for historic preservation. It might be a historic building that's on the list.

MR. ISLES:

It may be.

LEGISLATOR SCHNEIDERMAN:

That's why a narrative would be helpful.

MS. FISCHER:

Especially, the camp properties; we included them in total because we have to negotiate. It's something we will get to eventually, but to earmark different pieces of it at this point we felt wasn't effective. So there are issues almost with everyone that has some kind of improvement on it that we will certainly be looking at that very carefully and bring that back to you one we do have a willing seller. And what his or her interest are as far as the improvements and what they want to see used with the rest of the property. So it's definitely a part of what we will bring back to you.

LEGISLATOR SCHNEIDERMAN:

Thank you.

CHAIRMAN CARACCILO:

Legislator Bishop:

LEGISLATOR BISHOP:

I'm going to raise an issue that I've always raised with the previous administration with regards to these omnibus proposals which is when you admit that the list is more than can be handled at any one given time. And you suggest that it will be entered into in phases, then what would be the purpose of doing it as an omnibus right off the bat? The problem that I see from the Legislature's perspective is that when you do that you're seeking discretionary authority from this branch of government over to the executive branch because you're telling them, here's the list it's everything and you pick and choose which ones you want to address first and which ones you'll do last. So I think it would be, I mean, to be consistent from my own perspective I think that the best list would be here is what we can work on right a way and this is what we're recommending that we start with. And then we can vote on subsequent list as they come about. So that's an omnibus list that doesn't have that seeking of authority.

MR. ISLES:

Well, let me just point out that obviously you would still retain authority, you would have to approve every acquisition, you'd have to approve all appropriations of funds. And I think the other thing is to keep this a little bit in perspective that this is a significant list, but here again, it's not something that's going to totally shutdown the County Real Estate Department. Yes, it's something that the Director of Real Estate will have to manage and it maybe she doesn't write letters to every owner on the day one. She will have to set up a schedule to do that, to identify each of the 59 areas, but it's not going to be, we're going to do this over the next five years; the intent is that this move forward. That as I said before, rather than coming back to you 59 separate times for 59 separate planning steps resolutions that we have the advantage of at least getting the running start with this and you'd still have your control on the final outcome.

CHAIRMAN CARACCILO:

I would just add a comment to what Legislator Bishop's remark. First, I agree with him and second, I would say a master list is fine, but what we really need out of the 59 is a priority list of maybe the top ten, the top twenty-five. Because realistically given the resources we have and the funding we have we're not going to be successful, we're not going to have 59 willing sellers, we're not going to be successful in making everyone of these acquisitions. So I think a road map though this is the start of a road map, which is something the committee under Legislator Bishop's leadership and prior to that has been seeking for a long time and that's really a priority list. So again, I would just echo his comments and say that before I would support going forward I'd like to see for our eyes only and not in any particular order so that if somebody wants to leak the information they don't know which is really your number one. You should only know that not us.

MR. ISLES:

Right. Certainly as part of this whole policy plan we've suggested to you with revised rating forms we think that could provide a mechanism. It will obviously take more time now to rate every one of these at this point in time. And I think as Dr. Koppelman said at a presentation before the Ways and Means Committee about two months ago, there is a benefit of having a list and he certainly suggested one on behalf of the Regional Planning Board. However, what he also noted is that we're dealing with an environment of a willing seller, a dynamic market and so forth and that we have to seize opportunities. And so even though it's nice to say, we're going to go

from one to twenty and it's going to be a very automatic process the reality is that opportunities appear and disappear to the County. And so I agree with the idea of priorities and using our best, you know, buying the best land for the money we have, but I also point out that it's not going to be as perfect as that. So I can certainly discuss with the administration the suggestion today to do some sort of rating and prioritization. We think the parcels are, you know, pretty good as submitted in terms of the years of work that has gone into the evolution of this list, but certainly I'll bring that back to the administration.

CHAIRMAN CARACCILOLO:

And we certainly want to make sure that properties as Legislator Losquadro pointed out that are absent from this list be included. Legislator O'Leary.

LEGISLATOR O'LEARY:

Thank you Mr. Chairman. It was mentioned earlier Mr. Isles that there was a piece of that was stricken from the list?

MR. ISLES:

Yes.

LEGISLATOR O'LEARY:

Was is originally 60 parcels and now it's 59?

MR. ISLES:

Well, let me just tell you, the 59 is the number of areas. So it's like street, corridor sites and so forth. Those 59 areas contain numerous parcels. So as you'll see on the maps a particular map might have 10 parcels outlined. So in terms of that one piece I talked to you about that was on Orowoc Creek in Islip. As we've been doing this in trying to move the program as quickly as possible in doing this mapping process we did identify that it was built. So we're just going to be suggesting to the County Executive that parcel be deleted. It's a minor correction out of the 100's of parcels that are proposed so I don't think it really changes the substance of what's before you today.

LEGISLATOR O'LEARY:

It's still 59 areas?

MR. ISLES:

Yes. 59 areas, yes.

LEGISLATOR O'LEARY:

And the one (inaudible) that you referred to was a parcel within the Orowoc Creek.

MR. ISLES:

Yes, one of many parcels in the Orowoc Creek corridor. It's a little cleanup.

MS. FISCHER:

A little half acre piece that we didn't pick up before.

CHAIRMAN CARACCILOLO:

I have not had an opportunity to really dig into this. Is it broken down by program category?

MR. ISLES:

No. It's the planning steps resolution is -- it's incorporates a number of different programs depending on where these are going to go. The list that we worked from included primarily open space sites, but it also included some active recreation sites. For example like camp could be an active recreation use. So our view was to at least keep the option open that when we come back to you for an authorizing resolution here again we would say, we think this should be Greenways active recreation or new Drinking Water Protection. What the list does do --

CHAIRMAN CARACCILOLO:

Is there anything Tom that prevents you at this juncture in breaking it out into two categories? Open Space Preservation and Drinking Water Protection versus something under the Greenways Program cause we don't have a lot of money left in Greenways do we?

MR. ISLES:

Well, Greenways is now could also be accessed through multifaceted which is a consolidation of capital programs and that certainly is still funded. Obviously, there's a limit to all funding, but I will tell you the list is broken down by towns by the sense that it is by tax map number. So hopefully and we hope it's convenient to the committee members to follow through on where they are. We hope the maps that are helpful for that and certainly if there's any questions any of the committee members have feel free to give me a call and we'll try to (inaudible).

CHAIRMAN CARACCILOLO:

We would really appreciate as I made reference to the 120 outstanding planning steps resolution that you break that down by LD as well as this document if you can. You know it may take some time, but I would think with all the computer software we have and especially we should be able to do that.

MR. ISLES:

I'm not sure on that, but in terms of the request for the break down Legislator Losquadro in terms of this list by legislative district boundary I have that written down and we will try to do that for you. I think we can, but I don't want to say for sure and it's going to be a matter of time whether we do it automatically and push a couple of buttons on the computer or whether it's manually somebody keeps going back and forth that's all.

CHAIRMAN CARACCILOLO:

Okay.

LEGISLATOR LOSQUADRO:

If I could just interject point. I think that the Chairman's request to have the outstanding planning steps broken down to see what parcels, you know, some of us on this committee have been in office for some time. Others of us are new to representing our district so knowing if there are any outstanding planning steps in place within our districts would be a great help.

CHAIRMAN CARACCILOLO:

Okay. We're going to move the resolution by the Chair second by Legislator Bishop. All in favor? Opposed? Abstentions? Unanimous. **(Vote: 5-0)**

**1346. Appointing member of the Suffolk County Water Authority (Bernard Brady).
ENVIRONMENT, PLANNING AND AGRICULTURE (Crecca)**

LEGISLATOR O'LEARY:

Motion.

CHAIRMAN CARACCILOLO:

There's a motion to approve. Is there a second?

LEGISLATOR LOSQUADRO:

Second.

CHAIRMAN CARACCILOLO:

I'll make a motion to table.

LEGISLATOR BISHOP:

Second.

CHAIRMAN CARACCILOLO:

Second by Legislator Bishop. Tabling motion takes precedence. All in favor? Opposed? Three opposed. We now have the resolution before us to approve.

CHAIRMAN CARACCILOLO:

Presiding Officer joining the committee.

CHAIRMAN CARACCILOLO:

Opposed that resolution to table. We now have the resolution before us to approve. All in favor? Four in favor two opposed. That's approved. **(Vote: 4-2-0-0 Approved: O'Leary, Losquadro, Caracappa, Schneiderman Opposed: Caracciolo, Bishop)**

SENSE RESOLUTIONS:

S-016 Memorializing resolution requesting United States Congress to restore funding to the Environmental Protection Agency projects for the Long Island Sound.

ENVIRONMENT, PLANNING AND AGRICULTURE (Cooper) Motion by the Chair second by Legislator Losquadro. All in favor? Opposed? Abstentions? Unanimous. **(Vote: 5-0)**

LEGISLATOR LOSQUADRO:

Cosponsor.

CHAIRMAN CARACCILOLO:

Cosponsor by Legislator Losquadro. CEQ resolutions, Mr. Bagg would you come forward. As quickly as possible, please.

CEQ RESOLUTIONS:

MR. BAGG:

14-04 Proposed SEQRA Classifications of Legislative Resolutions Laid on the Table on February 24th, 2004. (Type II actions) The recommendations with respect to the legislative packet of February 24th, 2004 recommended a Type II actions.

CHAIRMAN CARACCILOLO:

Motion to approve by the Chair second by Legislator Bishop. All in favor? Opposed? Abstentions? Unanimous. All in favor? Opposed? Abstentions? Unanimous. **(Vote: 5-0)**

MR. BAGG:

15-04 Proposed Planning for Fire, Rescue and Emergency Services, CP #3230, County Building C0110, Yaphank County Complex, Yaphank Avenue, Yaphank, NY, Town of Brookhaven. (Type II action) That is for planning purposes only at this point in time.

CHAIRMAN CARACCILOLO:

Okay. Motion by the Chair second by Legislator O'Leary. All in favor? Opposed? Abstentions? Unanimous. **(Vote: 5-0)**

MR. BAGG:

16-04 Proposed Installation of a Fueling Facility at Indian Island Golf Course, Town of Riverhead. (Unlisted action; Negative Declaration) The action includes the removal of an existing fueling facility near the Peconic River and construction of a new fueling facility at a better location within the Indian Island Golf Course County Park. Council recommends that it is an unlisted action that will not have a significant impact on the environment. None of the criteria will be exceeded. There are not significant environmental areas involved. There are no severe environmental development restraints to the property. The location of the existing facility impacts new sheds and has a potential due to it's proximity to Peconic River to cause significant environmental impacts and should be relocated. That's the existing facility and by relocating the proposed site a fuel area will be closer to the maintenance compound and eliminate both traffic and environmental issues. Council recommends a negative dec.

CHAIRMAN CARACCILOLO:

Okay. So the current facility is going to be contained? What are we doing with the tanks?

MR. BAGG:

It's going to be removed.

CHAIRMAN CARACCILOLO:

The tanks will be removed.

MR. BAGG:

And relocated.

CHAIRMAN CARACCILOLO:

Across County Road 105 where the maintenance facility is?

MR. BAGG:

That's correct and it's a cleared area. There's no vegetation removed by the --

CHAIRMAN CARACCILOLO:

Motion by the Chair second by Legislator Schneiderman. All in favor? Opposed? Abstentions? Unanimous. **(Vote: 5-0)**

17-04 Proposed Modifications/Installations of Fire Alarm and Intrusion Alarm Systems

@ Several Health Centers, Methadone Clinics and the Medical Examiners Building, CP #4064, Suffolk County. (Type II action) It's really installation of equipment and the Council a Type II action.

CHAIRMAN CARACCILOLO:

Motion by the Chair second by Legislator O'Leary. All in favor? Opposed? Abstentions? **(Vote: 5-0)**

18-04 Proposed Forensic Sciences Medical and Legal Consolidated Laboratory Equipment & Cleanup, CP #1109, Suffolk County. (Type II action) They're purchasing equipment and I understand they had a spill of some specimen jars of formaldehyde in the basement and have to clean that up and they're going to cement the floor over so it doesn't happen in the future.

CHAIRMAN CARACCILOLO:

And what type of action is this?

MR. BAGG:

Council recommends a Type II action.

CHAIRMAN CARACCILOLO:

Motion by Legislator O'Leary second by Legislator Losquadro. All in favor? Opposed? Abstentions? Unanimous. **(Vote: 5-0)**

19-04 Proposed Restoration of Historic Structures of the Long Island Maritime Museum at Charles R. Dominy County Park, West Sayville, Town of Islip. (Type II action) The action involves the need to -- the projects involves the complete roof gutter and leader replacement on the museum building and the Perry Boat House needs to be painted and those are historic structures.

CHAIRMAN CARACCILOLO:

Same motion, same second. All in favor? Opposed? Abstentions? Unanimous. **(Vote: 5-0)**

20-04 Proposed Historic Restoration, Preservation, and Stabilization of Historic Buildings and Structures, Project No. 7510, Suffolk County Parks. (Type II action) This is a fund to provide the Parks Department with the necessary monies in order to stabilize historic structures while they're evaluated for what really needs to be done to restore them.

CHAIRMAN CARACCILOLO:

Same motion, same second, same vote. **(Vote: 5-0)**

21-04 Proposed Planning for Aviation Utility Infrastructure at Gabreski Airport, CP #5734, Town of Southampton. (Type II action) This is for planning monies only. It's a Type II action.

CHAIRMAN CARACCILOLO:

Motion by Legislator Schneiderman second by Legislator Losquadro. All in favor? Opposed? Abstentions? Unanimous. **(Vote: 5-0)**

22-04 Proposed Planning of the Maintenance Facility at Gabreski Airport, CP #5733,

Town of Southampton. (Type II action) This is for planning purposes only for the facility.

CHAIRMAN CARACCILOLO:

Same motion, same second, same vote. **(Vote: 5-0)**

23-04 Proposed Donation of Land for Open Space Preservation Purposes in the Mastic/Shirley Conservation Area (0.04 Acres), Town of Brookhaven. (Unlisted action. Negative Declaration) The County currently owns properties in there dedicated to the nature preserve. It's a donation unlisted action negative declaration.

CHAIRMAN CARACCILOLO:

Motion by Legislator O'Leary second by Legislator Losquadro. All in favor? Opposed? Abstentions? Unanimous. **(Vote: 5-0)**

25-04 Proposed SEQRA Classifications of Legislative Resolutions Laid on the Table on March 23rd, 2004. (Type II Action) Those are the Council's recommendations for classification.

CHAIRMAN CARACCILOLO:

Same motion, same second, same vote. **(Vote: 5-0)**

26-04 Proposed Licensing Agreement with the United States Golf Association (USGA) and Francis S. Gabreski Airport, Westhampton Beach, Town of Southampton (Type I Action; Negative Declaration) This is for the parking for the golf tournament in June. It's a temporary use. It's the use of 110 acres of grasslands at that airport. Council recommends it's a Type I action because more than a 1000 vehicles will be involved with a negative declaration because there will be no significant impact on the environment.

CHAIRMAN CARACCILOLO:

Same motion, same second, same vote. **(Vote: 5-0)** I just have a question for Counsel. Has this licensing agreement come before any legislative committee? Yes?

MS. KNAPP:

(inaudible)

MR. BAGG:

Yes. Last year --

MS. KNAPP:

Not in my tenure.

MR. BAGG:

No. The Legislature approved or directed the County Executive to enter the licensing agreement on behalf of the County. At that time they did not do SEQRA so the County Executive is fulfilling the SEQRA responsibility before, you know, going ahead with a license as directed by the Legislature.

CHAIRMAN CARACCILOLO:

Just my question was unrelated to SEQRA or CEQ; it really had to do with what are the terms

and conditions of the license agreement. So maybe the County Attorney's Office can provide my office with a copy of that agreement. I'd appreciate it. Okay. 26-04.

MR. BAGG:

The last resolution is 29-04.

CHAIRMAN CARACCILOLO:

29-04

MR. BAGG:

29-04 Proposed Revision of Improvements to the Hauppauge Youth Organization Sports Complex Facility, Town of Islip (Unlisted Action; Negative Declaration) This was reviewed by the Legislature last July in 2003 they issued a negative declaration. There are proposed modifications; they want to split the one building that was in the center of the site in to two buildings because of the depth of groundwater was a problem in terms of the bathroom facility. So they're splitting that and they want to expand the parking facility by roughly 10,000 square feet or 70 spaces because the cars park all over the adjacent roads and cause a traffic hazard.

CHAIRMAN CARACCILOLO:

What is the exact location?

MR. BAGG:

It is in Islip, just up here off Kings Highway and the County Road to the left it is a sports complex football field, baseball fields --

CHAIRMAN CARACCILOLO:

Between the Dennison and State Office buildings.

MR. BAGG:

A little bit to the south.

CHAIRMAN CARACCILOLO:

A little bit south, yeah. Okay.

MR. BAGG:

Council recommends that it's an unlisted action and will not have a significant impact on the environment. The other criteria will be exceeded the project complies with New York State DEC with respect to freshwater wetlands. No significant habitats are effected. All runoff will be retained within a recreational area and not into wetland surface areas. The Department of Health Services requirements have been complied with. DPW Building Division requirements have been complied with. The parking area will be gravel or crush concrete and the Department of Public Works will make the trees adjacent to the roadway that will be retained.

CHAIRMAN CARACCILOLO:

Okay. Same motion, same second, same vote. **(Vote: 5-0)** Brings us to tabled resolutions. Thank you Mr. Bagg.

TABLED PRIME:

1011 Implementing Brownfield Policy for Poulos property in Eastport, Town Brookhaven (SCTM Nos. 0200-686.00-04.00-019.000-R;0200-686.00-04.00-019.001-R;0200-686.00-04.00-019.002;0200-686.00-04.00-020.000 and 0200-723.00-02.00-029.000). ASSIGNED TO ENVIRONMENT, PLANNING AND AGRICULTURE (Caracciolo)

Motion by the Chair to table second by Legislator O'Leary. All in favor? Opposed? Abstentions? **(Vote:5-0)**

1033. Adopting Local Law No. – 2004, A Charter Law to ensure integrity in Suffolk County land transactions by disclosing campaign contributions. ASSIGNED to ENVIRONMENT, PLANNING AND AGRICULTURE (Cooper) Is there a motion?

LEGISLATOR BISHOP:

Motion.

CHAIRMAN CARACCILOLO:

Motion to approve by Legislator Bishop second by the Chair.

LEGISLATOR O'LEARY:

Motion to table.

CHAIRMAN CARACCILOLO:

Motion to table takes precedent by Legislator O'Leary. Second by Legislator Schneiderman. All of favor of tabling? Opposed.

LEGISLATOR BISHOP:

Opposed.

CHAIRMAN CARACCILOLO:

Opposed Legislator Bishop and I. **(Vote: 3-2-0-0 Opposed: Bishop, Caracciolo)** 1148 was previously acted upon at the beginning of the meeting and so that's been approved. If there is no other business before the committee, we stand adjourned.

(Having no further business, the meeting was adjourned at 1:05 P. M.)

{ } denotes spelled phonetically)